

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE NO. 2:09-4607
Judge Michael M. Baylson

FREE SPEECH COALITION, IND.,;
AMERICAN SOCIETY OF MEDIA PHOTOGRAPHERS, INC.;
MICHAEL BARONE;
DAVID CONNERS a.k.a. DAVE CUMMINGS;
THOMAS HYMES;
TOWNSEND ENTERPRISES, INC., d.b.a.
SINCLAIR INSTITUTE;
C 1 R DISTRIBUTION, LLC. d.b.a CHANNEL 1 RELEASING;
BARBARA ALPER; CAROL QUEEN; BARBARA NITKE;
DAVID STEINBERG; MARIE L. LEVIN a.k.a NINA HARTLEY;
DAVE LEVINGTSON; BETTY DODSON; and CARLIN ROSS,

Plaintiffs,

v.

THE HONORABLE ERIC H. HOLDER, JR.,
in his official capacity as Attorney General of the United States,

Defendant.

Deposition
of
LINDA DIAN WILSON

In Raleigh, North Carolina
Wednesday, April 3, 2013
8:59 a.m. - 4:17 p.m.

Reported by:
Margaret M. Powell, CVR-M
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1 both companies adhere to. It's very important to us --
2 Phil Harvey was a public health person, and that is how
3 he got into this business.

4 It's very important to us that
5 everything that we do meet these standards. So in that
6 sense they are similar.

7 They are different in that we are
8 selling to a different adult market. Our adult market
9 is people who may have problems because of their
10 health, people who may lack information about healthy
11 sexual relationships among adults.

12 We have experts in our films that are
13 sexual education -- they're educators and researchers,
14 therapists, because we -- our market is people who are
15 looking for certain advice in a more clinical, I would
16 say, way.

17 The things -- the titles that Adam & Eve
18 produce are more, I would say, adult entertainment
19 without that, you know, like they probably would not
20 have an expert speaking on camera in their film. In
21 this way they are different.

22 Q. Okay. When you say, "adult
23 entertainment," is that -- is it -- do I understand
24 correctly that you're making a distinction between that
25 adult entertainment and what Sinclair produces?

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1 MS. BAUMGARDNER: Objection.

2 A. There are some distinctions because we
3 specifically have experts who are educators and
4 clinicians in our films. It gives our films a
5 different look, I think, a different tone because we
6 are selling to a different adult market.

7 Q. But when you say that the Adam & Eve
8 productions are adult entertainment, what do you mean
9 by that?

10 A. They are films that are produced to
11 enhance the mature sexual lives and experiences of
12 adults who may not feel like they need to speak -- they
13 need to have an expert speaking to them on film. They
14 are just people like the people that view the films,
15 adults, adults that view the films.

16 Q. Would those films -- are those films
17 pornography?

18 MS. BAUMGARDNER: Objection.

19 Q. The films from Adam & Eve?

20 A. Could you define pornography?

21 Q. Sexual -- sexually explicit images,
22 intercourse ---

23 A. Yes.

24 Q. --- display of genitals?

25 A. Yes.

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1 So whether it was a non-proprietary
2 film, and that would be, for example, a Wicked Film,
3 something that we don't own the rights to, but that we
4 have made it a relationship with them to sell in our
5 catalog.

6 All -- everything that comes into our
7 office, you know, samples of products, "Here, buyer, we
8 would like for you to pick these products up," all of
9 that is reviewed by professional reviewers, and ---

10 Q. So who are you talking about? When you
11 say "professional reviewers," who are you talking
12 about?

13 A. Well, there are several. The one that I
14 work with the most is named Jay Lorenz and he is a
15 professional film reviewer, and he ---

16 Q. Is he a Sinclair employee?

17 A. No. He's, like we pay him to do the
18 reviews and that's it.

19 Q. Is he a PHE employee?

20 A. No.

21 Q. He's an independent contractor?

22 A. That sounds right, but I'm not sure.

23 Q. Is he an employee of any other company
24 under the umbrella of PHE?

25 A. No.

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1 Q. Okay. I'm sorry. Continue.

2 A. So the film is reviewed and that review
3 then comes to me in a paper form, and it's either
4 accepted or rejected based on Sinclair Institute
5 standards of what we want to be associated with, and
6 those standards are created by professional health --
7 professional sexual health educators and therapists.

8 So, I enter the review into the system,
9 and there is a part -- into this AS/400 system and
10 there is -- there are checks and balances there.

11 Because we do our ordering from the
12 knowledge contained in this program, if -- the 2257
13 compliance, I have to manually go in and certify that
14 the compliance has been done on the review page for
15 this particular product. We can't order the film if
16 that's not done. So that's one thing, I guess that I
17 do, is I enter the review in the system if it has been
18 accepted. If it's rejected, we just file it.

19 And I certify -- after I -- so we've
20 accepted the film, that's when our buyer contacts the
21 vendor and says, "We need your 2257 records" that
22 they're supposed to keep as primary producers of the
23 material that we're selling.

24 If they can't provide those records, we
25 don't sell the film. It's a done deal. The film never

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STATE OF NORTH CAROLINA

COUNTY OF WAKE

CERTIFICATE OF TRANSCRIPT

I, Margaret M. Powell, Certified Verbatim Reporter-Notary Public, the officer before whom the foregoing proceeding was taken, do hereby certify that the attached transcript is a true, correct and verbatim record of this proceeding.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was heard; and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, and am not financially or otherwise interested in the outcome of the action.

This the 15th day of April 2013.

/s/ **Margaret M. Powell, CVR**

Margaret M. Powell, CVR

Notary Number 19970780127

Margaret M. Powell, CVR - (919) 779-0322